



Attorney Docket No.: SP03-071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Merkèl, et al.

Serial No: 10/607,249

Filing Date: 6/25/2003

Title: Cordierite Filters With Reduced  
Pressure Drop

Group Art Unit: 1724

Examiner: Jason M Greene

**AFFIDAVIT**

STATE OF NEW YORK:  
COUNTY OF STEUBEN:

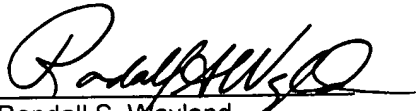
**AFFIDAVIT DISQUALIFYING CO-PENDING APPLICATION AS PRIOR ART**

I, Randall S. Wayland (Reg. 36,303) being the attorney of record in the above-listed case, being duly sworn, deposes and states the following:

1. Upon information and belief, US 6,864,198 was invented by Gregory A. Merkel.
2. Upon information and belief, the present application serial number 10/607,249 was invented by Gregory A. Merkel and Tinghong Tao and, therefore, 10/607,249 includes a different inventive entity than US 6,864,198.
3. Upon information and belief, Gregory A. Merkel and Tinghong Tao were each subject to a legal duty to assign their entire right, title, and interest in their inventions by way of individual employment agreements executed between themselves and Corning Incorporated (the assignee of each of the inventions).
4. Upon information and belief, Gregory A. Merkel and Tinghong Tao each did, in fact, execute legal assignments to transfer their entire right, title, and interest in their inventions to Corning Incorporated.
5. Upon information and belief, the subject matter of US 6,864,198 and the claimed invention of the present application serial number 10/607,249 were:
  - (a) owned by the same person or subject to a legal obligation of assignment to the same person (namely Corning Incorporated); and
  - (b) owned by the same person or subject to a legal obligation of assignment to the same person (namely Corning Incorporated) at the time of the invention claimed in the present application serial number 10/607,249 was made.
6. Therefore, upon information and belief, it is asserted that US 6,864,198 should be disqualified as prior art to the present application serial number 10/607,249 under 35 USC 102(e).

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WHEREFORE, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, and any patent to which this declaration is directed.

  
Randall S. Wayland  
Attorney for Assignee  
Reg. 36,303

Sworn to before me this  
6<sup>th</sup> day of February, 2006

  
Notary Public

**CHRISTINE F. WATTERS**  
Notary Public, State of New York  
Qualified in Steuben County No. 4945322  
My Commission Expires December 19, 20 06